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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ARNOLD ABRERA,

No. 2:22-cv-1162-JAM-DB

Plaintiff.

V.

GAVIN NEWSOM, in his official capacity as Governor of the State of California; ROB BONTA, in his official capacity as Attorney General of the State of California; ANNE MARIE SCHUBERT, in her official capacity as County of Sacramento District Attorney; COUNTY OF SACRAMENTO; BOBBY DAVIS, in his official capacity as Chief of the Elk Grove Police Department; JONATHAN P. HOBBS, in his official capacity as the City Attorney for the City of Elk Grove; CITY OF ELK GROVE;

Defendants.

**PLAINTIFF'S OPPOSITION
DEFENDANTS BOBBY DAVIS',
JONATHAN P. HOBBS' AND CITY
OF ELK GROVE'S JOINDER IN
DEFENDANTS' COUNTY OF
SACRAMENTO AND ANNE MARIE
SCHUBERT'S MOTION TO
DISMISS PLAINTIFF'S SECOND
AMENDED COMPLAINT**

Date: May 21, 2024

Time: 1:30 p.m.

Courtroom: 4

Judge: Honorable Dale A. Drozd

Location:

501 I Street

Sacramento, CA

Complaint Filed: 7/5/2022

Trial Date: None Set

1 **PLAINTIFF OPPOSITION TO ELK GROVE DEFENDANTS' JOINDER**
2 **TO COUNTY OF SACRAMENTO CO-DEFENDANTS MOTION TO**
3 **DISMISS**

4 Since "... the Elk Grove Defendants adopt all arguments, facts, and points and authorities
5 submitted by County of Sacramento Defendants as though the Elk Grove Defendants had set forth
6 all such matters in full", Plaintiff hereby incorporates his complete opposition to County of
7 Sacramento Defendants motion to dismiss as though the Plaintiff had set forth all such matters in
8 full in this opposition.

9 For clarification purposes, Elk Grove defendants have filed a Petition for Judicial
10 Determination Re: Return of Firearms captioned *City of Elk Grove vs. Euginie Abrera*,
11 Sacramento Superior Court case number 34-2021-20000745 (SAC ¶s 63-65). Plaintiff is not a
12 named party.

13 The Petition does involve all six of Plaintiff's firearms, including his two AR-15s.

14 Therefore, both the County of Sacramento Defendants and Elk Grove Defendants are
15 asserting jurisdiction over the two AR-15s in purely civil matters.

16 What is not addressed is why Plaintiff's handguns have not been returned to him as he
17 was not the subject of a § 5150 hold.

18 The protected "arms" legally purchased in California and seized from Plaintiff's home by
19 the Elk Grove defendants, and still in their custody, are as follows: One (1) Glock, Inc., Model
20 17, 9mm Cal., Serial No. BBDW312; One (1) Sig Sauer Model SP2022, .40 Cal., Serial No.
21 24B245366; One (1) Sig Sauer Model SP2022, 9mm Cal., Serial No. 24B245997; One (1) Sturm,
22 Ruger & Co., Model LC380CA, .380 Cal., Serial No. 32653888; One (1) Del-Ton Inc., Model
23 DTI 15, 5.56 Cal., Serial No. B6215; and, One (1) Roggio Arsenal, Model RA L5, Multi-Caliber,
24 Serial No. RA09011623. (SAC ¶s 57-61)

CONCLUSION

The motion should be denied. If any part of the motion is granted, Plaintiff requests leave of court to file an amended and supplemental pleading.

DATED: March 25, 2024

Respectfully submitted,
LAW OFFICES OF GARY W. GORSKI
/s/ Gary W. Gorski
GARY W. GORSKI
Attorney for Plaintiff Arnold Abrera